

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,
vs.

Case No.: 2:23-cr-20191-MSN

**EMMITT MARTIN, III,
TADARRIUS BEAN, DEMETRIUS
HALEY, DESMOND MILLS, JR.,
AND JUSTIN SMITH**

Defendant.

**NOTICE OF WITHDRAWAL OF AGREEMENT TO ALL STIPULATIONS TO
AUTHENTICITY AND ADMISSIBILITY OF EVIDENCE AS IT RELATES TO
DEFENDANT TADARRIUS BEAN**

COMES NOW Defendant, Tadarrius Bean, by and through his Counsel, and gives this notice that he formally withdraws his agreement to any and all stipulations to the authenticity and admissibility of certain evidence, including video clips from body worn camera from the two scenes on the night of January 7, 2023 and clips from body worn camera that Government desires to introduce as Rule 404(b) evidence. his response in opposition to *United States' Motion to Exclude Improper Expert Testimony Regarding the Use of Force by Defendant Bean*. In support thereof, Defendant Bean would state as follows:

1. The Government previously discussed with attorneys for Defendants about stipulating to the authenticity and admissibility of certain evidence, including video clips from body worn camera from the two scenes on the night of January 7, 2023, and clips from body worn camera that Government desires to introduce as Rule 404(b) evidence.

2. After reading the Government's trial brief and *Motion to Introduce BodyWorn Camera Video Clips Containing Statements by the Defendants, Their Co-Conspirators, and their Victim*, it has become clear the Government has attempted to deceive the Defendants and twist the stipulations that were agreed to on Wednesday, September 4, 2024, as there are assertions that were not agreed to that were included in the trial brief.
3. It has become obvious that the Government deceitfully wanted the Defendants to agree to certain stipulations as it relates to certain videos, only for the Government to attempt to ask the Court, after the agreement, to limit the purposes of the videos only to the portions the Government desires to introduce and restrict the full and complete videos and restrict Defendants from introducing other portions of the same videos.
4. After reading the Government's trial brief and motion, Counsel for Defendant Bean anticipates that the Government will make hearsay objections to and will attempt to exclude other portions of the videos that they do not find favorable to their case, however the videos would not be used to offer any statements contained in the video for the truth of the matter. Rather the videos are excellent evidence to show the dangerous environments and unsuspecting circumstances that the Defendants faced on a daily basis.
5. In the recent days following September 4, 2024, it has become abundantly clear that the Government wishes to cherry pick snippets of videos showing officers acting in a certain manner and conceal or restrict other evidence and testimony- from the exact same videos the government desires to use- that is not only less favorable to the Government, but completely dismantles the illusion and deceitfulness the Government wants this Court and the jury to ultimately buy into. This action is shown by the Government releasing certain potential witnesses that are within reach only through the power and resources of

the Government, because the Government does not want certain information harmful to their case being introduced on cross-examination.

6. When looking at the full and complete video clips, it is clear that not only were the actions of the Defendants in this matter trained into the minds of the Defendants from the police academy, but the videos also show the Defendants in each case take every reasonable effort under the circumstances they face to safely perform their duty in arresting an individual that is actively resisting arrest.

For these reasons, and the outright deceitfulness of the Government's recent actions, Defendant Tadarrius Bean hereby gives notice that he withdraws any agreement to any and all stipulations to the authenticity and admissibility of certain evidence, including video clips from body worn camera from the two scenes on the night of January 7, 2023 and clips from body worn camera that Government desires to introduce as Rule 404(b) evidence.

Respectfully submitted,

PERRY GRIFFIN, PC

/s/ John Keith Perry, Jr.

John Keith Perry, Jr., #24283

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CERTIFICATE OF SERVICE

I, John Keith Perry, certify that I have filed a true and correct copy of the above and foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to counsel of record.

This the 6th day of September 2024.

/s/ John Keith Perry, Jr. _____
JOHN KEITH PERRY, JR.